

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:12-CV-487-MOC-DCK**

**DAVID HOLMES, individually and on )  
behalf of a Rule 23 putative class, )**

**Plaintiff, )**

**v. )**

**ORDER**

**BANK OF AMERICA, N.A., in its own )  
capacity and as successor by merger to )  
BAC Home Loans Servicing, L.P., and )  
ILLINOIS UNION INSURANCE )  
COMPANY, SEATTLE SPECIALTY )  
INSURANCE SERVICES, INC., )  
LLOYD’S UNDERWRITERS AT )  
LONDON, and CERTAIN )  
UNDERWRITERS AT LLOYD’S )  
LONDON, )**

**Defendants. )**

**THIS MATTER IS BEFORE THE COURT** on “Defendants Seattle Specialty Insurance Services, Inc.’s Request For Oral Argument On Its Motion To Dismiss” (Document No. 74) filed December 17, 2012, and the parties’ “Joint Motion To Amend The Briefing Schedule On Seattle Speciality’s Motion To Dismiss” (Document No. 89) filed December 18, 2012. These motions have been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §636(b), and immediate review is appropriate. Having carefully considered the motions and the record, the undersigned will deny the motions.

The first motion, “Defendants Seattle Specialty Insurance Services, Inc.’s Request For Oral Argument...,” (Document No. 74) fails to indicate that the requirement of consultation has been met pursuant to Local Rule 7.1 (B), and should therefore respectfully be denied.

The “Joint Motion To Amend The Briefing Schedule On Seattle Speciality’s Motion To Dismiss” (Document No. 89) suggests that Plaintiff needs about twenty-four (24) additional days, until January 31, 2013, to file a response to “Defendant Seattle Specialty Insurance Services, Inc.’s Motion To Dismiss Amended Complaint” (Document No. 70) to “accommodate the holiday schedule and provide Plaintiffs with adequate time to respond to issues raised.” Moreover, the parties wish to expand the reply period from seven (7) days to twenty-one (21) days. The undersigned is not persuaded that the parties have shown good cause for the requested extensions. In addition, the parties’ motion fails to address whether Plaintiff, or the other Defendants, will require additional time to brief the other two motions to dismiss (Document Nos. 72 and 87) also filed in this case on December 17, 2012.

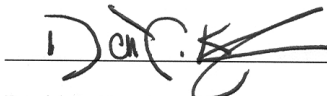
Based on the foregoing, the undersigned will respectfully deny these motions without prejudice to their being re-filed in compliance with the Local Rules and with more thorough explanations.

**IT IS, THEREFORE, ORDERED** that “Defendants Seattle Specialty Insurance Services, Inc.’s Request For Oral Argument On Its Motion To Dismiss” (Document No. 74) is **DENIED WITHOUT PREJUDICE**.

**IT IS FURTHER ORDERED** that the parties’ “Joint Motion To Amend The Briefing Schedule On Seattle Speciality’s Motion To Dismiss” (Document No. 89) is **DENIED WITHOUT PREJUDICE**.

**SO ORDERED.**

Signed: December 18, 2012

  
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David C. Keesler  
United States Magistrate Judge

